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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,425	01/20/2004	Kang Soo Seo	1740-000066/US	7761
30/593 7590 08/18/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
NGUYEN, HUY THANH				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
08/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,425

**Applicant(s)**

SEO ET AL.

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-18, 20, 21, 27, 28, 34, 35, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18, 20, 21, 27, 28, 34, 35, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/24/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 15-18,20-21,27-28,34-35 and 41-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,4,8-10,15,33-36,40,43,44,49 and 54 of copending Application No. 10/766,193. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 15-18,20-21,27-28,34-35 and 41-42 of the present application and claims 1,4,8-10,15,33-36,40,43,44,49 and 54 of copending Application No. 10/766,193 is that claims 1,4,8-10,15,33-36,40,43,44,49 and 54 of copending Application No. 10/766,193 further recite an entry point map for specifying in points and outpoint s of the first stream that is not found in claims 15-

18,20-21,27-28,34-35 and 41-42 of the present application . Since claims 1,4,8-10,15,33-36,40,43,44,49 and 54 encompass the claims 15-18,20-21,27-28,34-35 and 41-42 of the present application , it would have been obvious to one of ordinary skill in the art to modify claims 1,4,8-10,15,33-36,40,43,44,49 and 54 of copending Application No. 10/766,193 to produce claims 15-18,20-21,27-28,34-35 and 41-42 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 15-18,20-21,27-28,34-35 and 41-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2,9-10,12-15, 18-21,23-27, 29-30,32-33,35-36,38-39,41-42 and 44-45 of copending Application No. 10/766,239. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 15-18,20-21,27-28,34-35 and 41-42 of the present application and claims 1-2,9-10,12-15, 18-21,23-27, 29-30,32-33,35-36,38-39,41-42 and 44-45 of copending Application No. 10/766,239 is that claims 1-6,8-16,18-45 of copending Application No. 10/766,239 further recite an entry point map for specifying in points and outpoints of the first stream that is not found in claims 15-18,20-21,27-28,34-35 and 41-42 of the present application . Since claims 1-2,9-10,12-15, 18-21,23-27, 29-30,32-33,35-36,38-39,41-42 and 44-45 of copending Application No. 10/766,239 encompass the claims 15-18,20-21,27-28,34-35 and 41-42 of the present application , it would have been

obvious to one of ordinary skill in the art to modify claims 1-2,9-10,12-15, 18-21,23-27, 29-30,32-33,35-36,38-39,41-42 and 44-45 of copending Application No. 10/766,239 to produce claims 15-18,20-21,27-28,34-35 and 41-42 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 15-18,20-21,27-28,34-35 and 41-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-15,24-27,29-300,36-37,43-44 and 50-51 of copending Application No. 10/766, 211. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 15-18,20-21,27-28,34-35 and 41-42 of the present application and claims 13-15,24-27,29-300,36-37,43-44 and 50-51 of copending Application No. 10/766, 211 is that claims 1-2,4,6-11,15,33-38,40-42,46-47,49-52,54 of copending Application No. 10/766,193 further recite a duration of the presentation for a still picture that is not found in claims 15-18,20-21,27-28,34-35 and 41-42 of the present application. Since claim 13-15,24-27,29-300,36-37,43-44 and 50-51 of copending Application No. 10/766, 211 encompass the claims 15-18,20-21,27-28,34-35 and 41-42 of the present application, it would have been obvious to one of ordinary skill in the art to modify claims 13-15,24-27,29-300,36-37,43-44 and 50-51 of copending Application No. 10/766, 211 to produce claims 15-18,20-21,27-28,34-35 and 41-42 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 15-18,20-21,27-28,34-35 and 41-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11,26-27,32-35,39-42,46-49 and 53-56 of copending Application No. 10/759,461. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 15-18,20-21,27-28,34-35 and 41-42 of the present application and claims 1-11,26-27,32-35,39-42,46-49 and 53-56 of copending Application No. 10/759,461 is that claims 1-11,26-27,32-35,39-42,46-49 and 53-56 of copending Application No. 10/759,461 further recite a duration of the presentation for a still picture that is not found in claims 15-18,20-21,27-28,34-35 and 41-42 of the present application. Since claim claims 1-11,26-27,32-35,39-42,46-49 and 53-56 of copending Application No. 10/759,461 encompass the claims 15-18,20-21,27-28,34-35 and 41-42 of the present application, it would have been obvious to one of ordinary skill in the art to modify claims 1-11,26-27,32-35,39-42,46-49 and 53-56 of copending Application No. 10/759,461 to produce claims 15-18,20-21,27-28,34-35 and 41-42 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 15-18,20-21,23-25,27-28,,34-35,41-42 and are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable

over claims 20 and 32 -38 and 21 and 40-47 of copending Application No. 10/759,460. Although the conflicting claims are not identical, they are not patentably distinct from each other because subject matter and features in claims 15-18,20-21,23-25,27-28,,34-35,41-42 of the present application can be found the subject matter and features recited in claims 20 and 32 -38 and 21 and 40-47 of copending Application No. 10/759,460 .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621